

Application No. 09/931,977

REMARKS

Claims 1-41 are pending. By this Amendment, claims 1, 5, 7, 8, 11, 12, 13, 14, 15, 20 and 36 are amended and new claims 40 and 41 are added. Claim 1 is amended to add the word "optical" for consistency with claim 2. Similarly, claims 5, 7, 8, 11, 12, 13, 14 and 15 were amended for consistent use of language with claim 1. Also, claim 1 is also amended to delete the reference to powders with respect to the release layer, although, of course, the claim clearly still covers a structure with a release layer with both partly sintered powders and powders. New claim 40 corresponds with claim 7 as filed, except for the correction with the inclusion of the word "optical" with respect to the material. Claim 20 is amended to more particularly point out Applicants' claimed invention. The amendment of claim 20 is supported by the specification, for example, at page 24, lines 20 to page 25, line 1, page 28, lines 2-3 and page 33, lines 7-8. The amendment of claim 36 is supported by the specification, for example, at page 30, line 8 to page 33, line 11. Applicants note that the amendment of claim 36 is not intended to narrow the claim. New claim 41 is supported, for example, by claim 36 as filed. No new matter is introduced by this Amendment.

Applicant notes with appreciation that claims 26-39 are allowed and claims 7, 13-15, 18, 19, 24 and 25 are free of the cited art. Applicants however note that claim 36 was amended. Claims 1-6, 8-12, 16, 17 and 20-23 stand rejected. Applicant respectfully request reconsideration of the rejections based on the following remarks.

Rejection Over Mikeska et al.

The Examiner rejected claims 1-6, 8-12, 16 and 17 under 35 U.S.C. § 102(b) over U.S. Patent 5,085,720 to Mikeska et al. (the Mikeska patent). In particular, the Examiner noted that the Mikeska patent discloses a structure and method of releasing a layer of uniform material using a release or separation layer. Applicants have amended claim 1 to more particularly point out their claimed invention. In view of the clarification of Applicant's claimed invention, the

Application No. 09/931,977

Mikeska patent does not prima facie anticipate Applicant's claimed invention. Applicants respectfully request reconsideration of the rejection in view of the following comments.

The Mikaska patent does not disclose a release layer comprising partly sintered powders. Specifically, the Mikaska patent specifies at column 10, lines 45-52 that the inorganic material of the release layer "does not undergo sintering." As amended, claim 1 specifies that the release layer comprises partly sintered powders. Therefore, the Mikaska patent does not prima facie anticipate amended claim 1 or claims depending from claim 1.

Since the Mikaska patent does not prima facie anticipate Applicant's claimed invention, Applicants respectfully request withdrawal of the rejection of claims 1-6, 8-12, 16 and 17 under 35 U.S.C. § 102(b) over the Mikeska patent.

Rejection Over Shacklette et al.

The Examiner rejected claims 20-23 under 35 U.S.C. § 102(b) over U.S. Patent 5,850,498 to Shacklette et al. (the Shacklette patent). In particular, the Examiner noted that the Shacklette patent disclosed a substrate and a low stress material. However, there seems to be some misunderstanding regarding the relationships of the different materials. Applicants' have amended claim 20 to further clarify this relationship. The Shacklette patent does not prima facie anticipate Applicants' claimed invention. Applicants respectfully request reconsideration of the rejection based on the following comments.

The Examiner has asserted that the Shacklette patent teaches a low stress substrate made of silicon. However, Applicant's claimed invention is directed to an optical material that is without stress on a substrate. Furthermore, Applicant's have clarified that their optical material comprises a metal/metalloid oxide, a metal/metalloid carbide, a metal/metalloid nitride, and a metal/metalloid sulfide, a doped metal/metalloid compound or a crystalline metal/metalloid compound. Clearly, some materials may fall into multiple of these genres.

Application No. 09/931,977

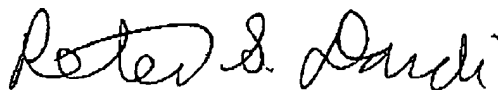
In contrast, the Shacklette patent teaches a cladding and core of a polymer, see, for example, column 5, lines 29-44. The Shacklette patent does not teach low stress optical material comprising metal/metalloid oxides, metal/metalloid carbides, metal/metalloid nitrides, and metal/metalloid sulfides, doped metal/metalloid compounds or crystalline metal/metalloid compounds. Since the Shacklette patent clearly does not disclose optical materials on a substrate comprising the claimed materials, the Shacklette patent clearly does not anticipate Applicant's claimed invention. Thus, Applicants respectfully request withdrawal of the rejection of claims 20-23 under 35 U.S.C. § 102(b) over the Shacklette patent.

CONCLUSIONS

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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